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Attorney for Plaintiffs
 DEAN HOTOP, KEN SCHNEEBELI,
 JEFF ZELL, SHERMAN ZELL, LOIS
 ZELL, LOUISE PETER, SEIGI
 TADOKORO, PAT CREMA, SEAN
 RHINEHART, SHUCHUN HUANG, JAMES
 CAMPAGNA, SAL RUIZ, ISAAC AGAM,
 STEVE MAHL, LLOYD KIP, ROBERTA
 MOORE, DENG LIU, SHASHA CHEN,
 XIAODONG LI, ZHONGHUA PEI,
 XIAOCONG YE, SMALL PROPERTY
 OWNERS ASSOCIATION - SAN JOSE, in
 its representative capacity on
 behalf of its association members

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DEAN HOTOP; KEN SCHNEEBELI;)	No. CV18-02024-LHK
JEFF ZELL; SHERMAN ZELL; LOIS)	
ZELL; LOUISE PETER; SEIGI)	NOTICE OF APPEAL
TADOKORO; PAT CREMA; SEAN)	
RHINEHART; SHUCHUN HUANG; JAMES)	
CAMPAGNA; SAL RUIZ; ISAAC AGAM;)	
STEVE MAHL; LLOYD KIP; ROBERTA)	
MOORE; DENG LIU; SHASHA CHEN;)	
XIAODONG LI; ZHONGHUA PEI;)	
XIAOCONG YE; SMALL PROPERTY)	
OWNERS ASSOCIATION - SAN JOSE,)	
in its representative capacity)	
on behalf of its association)	
members,)	

Plaintiffs,

vs.

CITY OF SAN JOSE, a municipal
 corporation; AND DOES 1 THROUGH
 10 INCLUSIVE,
 Defendants.

1 TO THE CLERK OF THE COURT:

2 Plaintiffs DEAN HOTOP, KEN SCHNEEBELI, JEFF ZELL,
3 SHERMAN ZELL, LOIS ZELL, LOUISE PETER, SEIGI TADOKORO, PAT
4 CREMA, SEAN RHINEHART, SHUCHUN HUANG, JAMES CAMPAGNA, SAL
5 RUIZ, ISAAC AGAM, STEVE MAHL, LLOYD KIP, ROBERTA MOORE, DENG
6 LIU, SHASHA CHEN, XIAODONG LI, ZHONGHUA PEI, XIAOCONG YE,
7 SMALL PROPERTY OWNERS ASSOCIATION - SAN JOSE, in its
8 representative capacity on behalf of its association members
9 (collectively "Plaintiffs") hereby appeal, in its entirety,
10 to the United States Court of Appeals for the Ninth Circuit
11 the Court's Judgment entered on October 12, 2018 dismissing
12 the entire case with prejudice in favor of the Defendant CITY
13 OF SAN JOSE (Civil Docket No. 39) and the Court's Order filed
14 October 4, 2018 granting Defendant's Motion to to Dismiss the
15 First Amended Complaint Without Prejudice (Civil Docket No.
16 36), and any other adverse ruling in the case.

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18 Plaintiffs elected to stand on the First Amended
19 Complaint and did not amend the First Amended Complaint
20 pursuant to the Ninth Circuit's holding in Edwards v Marin
21 Park, Inc., 356 F.3d 1058, 1063-1065 (9th Cir. 2004) and WMX
22 Technologies, Inc. v Miller, 104 F.3d 1133 (9th Cir. 2004)

1 (en banc). (Civil Docket No. 38).
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4 DATED: October 15, 2018

LAW OFFICES OF FRANK A.
WEISER

6 By: Frank A. Weiser

7 FRANK A. WEISER, Attorney for
8 Plaintiffs DEAN HOTOP, KEN
9 SCHNEEBELI, JEFF ZELL, SHERMAN
10 ZELL, LOIS ZELL, LOUISE PETER,
11 SEIGI TADOKORO, PAT CREMA, SEAN
12 RHINEHART, SHUCHUN HUANG, JAMES
13 CAMPAGNA, SAL RUIZ, ISAAC AGAM,
14 STEVE MAHL, LLOYD KIP, ROBERTA
15 MOORE, DENG LIU, SHASHA CHEN,
16 XIAODONG LI, ZHONGHUA PEI,
17 XIAOCONG YE, SMALL PROPERTY
18 OWNERS ASSOCIATION - SAN
19 JOSE, in its representative
20 capacity on behalf of its
21 association members
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